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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,594	06/19/2006	Michael Weber	PD030132	9847
24498 7590 08/10/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER				
CHOU, ALBERT T				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,594

Applicant(s)

WEBER, MICHAEL

Examiner

ALBERT T. CHOU

Art Unit

2471

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2010 for the amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 9, 2010 has been entered. Claims 1 and 6 have been amended. No claims have been added or canceled. Claims 1-10 are pending in this application, with claims 1 and 6 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,291,343 to Goto.

Regarding claims 1 and 6, Goto teaches a method and a network subscriber station as a user interface for automatically setting up data connections between network subscriber stations in a network of distributed stations [Figs. 1, 10 & Abstract], where the network contains at least one recording appliance [Fig. 1; VCR 5], a data source appliance [Figs. 1 & 10: radio signals received from an antenna 8 or stations 1002-1005] and a data sink appliance [Figs. 1 & 10; VCR 5 or stations 1002-1005], comprising the following steps:

user-activated selection of a user interface for the recording appliance on a user interface appliance **[Figs. 1, 5 & 9, step 20: a user may operate a “record” button of the VCR 5 on a remote controller 53 while the user is watching the TV 2; col. 10, lines 20-43];**

checking for existing data connections which have been set up for the data sink appliance or the user interface appliance in the network **[Figs. 1, 5 & 9, steps, 21-23: checking whether the power of VCR 5 or TV unit 4 (data sink) is off or on. i.e. no (logical) data connections exist if the VCR 5 is powered off; col. 10, lines 45-50, line 55 – col. 11, line 4];** and

automatically setting-up a logical connection between the data source appliance, for which a connection to the data sink appliance or to the user interface appliance has been set up, and the recording appliance in order to assist in the implementation of an instant- recording function on the recording appliance upon selection of a recording function **[Figs. 1, 5 & 9, steps 21-26: automatically setting up a record data connection between the radio signals received from an antenna 8 or Tuner 27 (data source) and the VCR 5 (data sink) upon operating a “record” button of the VCR 5. Once the ‘record” button is operated, the VCR 5 starts to record the program on the channel set by the Tuner 27; col. 10, lines 45-50, col. 10, line 55 – col. 11 lines 50].**

Though Goto teaches an audio/video system which is capable of recording a TV program a user now watching using only the VCR “record” operation **[Fig. 1: col. 1,**

lines 52-60], Goto does not expressly teach identifying the data source appliance on the VCR operation panel 52 or VCR remote controller 53.

Goto, however, teaches that the VCR operation panel unit 52 consists of an operation input means 520 and the display 521. The operation input means 520 is used when a user operates the VCR 5, the display means 521 is used when the VCR 5 displays information against the user **[Figs. 5-7: col. 6, lines 46-67]**.

It would have been obvious to one person of ordinary skill in the art at the time the invention was made to modify Goto's VCR operation panel 52 or VCR remote controller 53 by including an indication of the data source of the VCR, e.g. a display or LED indicating the data source is from "TV or Antenna or Aux", which is widely implemented on most of the commercially available TV/VCR remote controllers sold in the market. Thus, the limitation, "identifying the data source appliance", set forth above does not depart from the scope and spirit of Goto's invention.

Regarding claims 2 and 7, Goto teaches the data connection between the data source appliance and the recording appliance is set up only after the recording function on the recording appliance has been activated by the user **[Figs. 1, 5 & 9, steps 20-26; e.g. no (logical) data connections exist between the antenna 8 or TV2 /Tuner 27 and the VCR 5 if the VCR 5 is powered off. Only after the "record" button of the VCR 5 is operated, the VCR 5 will be powered on and the (logical) data connection between the antenna 8 or TV2 /Tuner 27 and the VCR 5 will be established for the**

recording. Also see the rejection statement to claim 1; col. 10, lines 45-50, col. 10, line 55 – col. 11 lines 50].

Regarding claims 5 and 10, Goto teaches the recording appliance is a digital video recorder or a digital audio recorder **[Figs 1 & 5: VCR 5]**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,291,343 to Goto in view of US PGPub. No. 2002/0078293 A1 by Kou et al. (hereinafter "Kou")

Regarding claims 3-4 and 8-9, Goto teaches an audio/video system comprising a television receiver, a VCR and other communication control device **[Figs. 1-7 & 10]**.

Goto does not expressly disclose the detail component or construction of each audio/video device in the system, such as an amplifier device or a graphical user interface.

Kou, in the same field of endeavor, teaches a method and system for selecting and controlling devices in a home network, wherein the user interface appliance is a display appliance for video images, and the user interface is based on a graphical user interface **[Fig. 4A; para. 0043, 0053]**; and the data sink appliance is an amplifier device for audio signals **[Fig. 2; e.g. the data sink appliance is a Receiver 220 (which comprising a tuner and an amplifier); para. 0039]**.

It would be obvious to one skilled in the art at the time the invention was made to recognize that having a graphical user interface or the data sink appliance is an amplifier is no more than a system implementation or configuration choice, which can be easily incorporated into Goto's audio/video system or remote controller without any compatibility issues. Therefore, the limitations set forth in claim 3-4 and 8-9 do not depart from the scope and spirit of the combining teachings of Goto and Kou.

Response to Remarks

4. In light of Applicant's amendment to claim 1, the rejection of claims 1-10 under 35 U.S.C. 112, second paragraph has been withdrawn.
5. Applicant's remarks filed on July 9, 2010 regarding the rejection of claims 1, 6 and their dependent claims in the application have been fully considered but they are moot in view of the new ground of rejection.

Regarding claims 1 and 6, Applicant argues:

Goto neither discloses nor suggests "automatically setting-up a connection between the data source appliance, for which a connection to the data sink appliance or

to the user interface appliance has been set up, and the recording appliance in order to assist in the implementation of an instant-recording function on the recording appliance upon selection of a recording function" as recited in the present claimed arrangement.

Examiner respectfully disagrees. See the rejection statement to claim 1 of current Office Action.

Specifically, Applicant states:

In Goto, the VCR is always physically connected directly to a TV and any connection set up necessary is performed once the play or record function is selected. This is unlike the present claimed arrangement in which, a connection between a data source appliance or set top box and recording device or DVR is set up upon selecting a recording apparatus on a user interface. That is, the logical connection will not exist until the record operation is about to be enabled. Thus, as a direct point to point logical connection between the recording apparatus and data source is set up, once the record function of the recording apparatus is selected, recording can begin instantly. The recording apparatus will record the channel to which the data source is tuned.

Examiner respectfully disagrees with Applicant's assertion.

Examiner does not disagree with "*In Goto, the VCR is always physically connected directly to a TV*". As illustrated in Figs. 1-3, Applicant's Specification states "*Figure 1 shows that all of the appliances are connected to one another by means of a common bus connection. An example of a bus connection is the IEEE-1394 bus system.*" [p. 7, lines 5-8]. This clearly indicates that the physical configuration between

the data source and the data sink in Goto is exactly the same as the one in the present application.

As recited in the rejection statement to claim 1, in Goto even though the VCR is always physically connected to a TV, It does not necessarily mean the record data connection (a logical data path or connection) between the data source or TV/antenna and the data sink or VCR is already set up. Namely, if no (logical) record data connection is set up, no recording function will be performed even though the physical connection has been set up.

Goto clearly teaches a record data connection between a data source appliance or TV/antenna and a recording device or VCR is set up only upon selecting a "record" button of the VCR on a remote controller [**Abstract, col. 1, lines 52-60, col. 10, lines 20-43**]. Thus, Goto teaches each limitation set forth in claims 1 and 6 through obviousness.

Claims 2, 5, 7 and 10 depend from claims 1 and 6, respectively. In addition to the rejection of claim 1, Examiner stands for the same position of rejection to each of claims 2, 5, 7 and 10.

Claims 3-4 and 8-9 depend from claims 1 and 6, respectively. In addition to the rejection of claim 1, Examiner believes the reason of rejection to claims 3-4 and 8-9 is clear and sufficient. Therefore, Examiner stands for the same position of rejection to each of claims 3-4 and 8-9.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham, can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Albert T Chou/

Primary Examiner, Art Unit 2471

August 4, 2010